

REMARKS

The Applicants acknowledge that the Examiner has selected Claims 30-36, 38-39, 41-43, 45, and 47-48. The Examiner has unilaterally withdrawn Claims 37, 40, 44, 46, 49, and 50 from consideration. It was unclear in the Restriction requirement that the Examiner considered the two groups to be separate species. Nevertheless, the Applicants will respond to the Office Action with respect to Claims 30-36, 38-39, 41-43, 45, and 47-48. The Applicants reserve the right to present and/or argue the patentability of Claims 30-36, 38-39, 41-43, 45, and 47-48.

The Examiner has objected to the drawings. In response, the Applicants have provided an amended set of drawings that show the features or the barbs or hooks. No new matter has been added. The amended drawings labeled "Replacement Sheets" are submitted herewith as Appendix A. An annotated marked-up copy of the drawings to show the changes made is attached as Appendix B. The changes are shown in red.

The Examiner objects to Claim 39 because "claim 39 is identical to claim 39." The Applicants believe that the Examiner is referring to the fact that Claim 39 is identical to Claim 47. Therefore, the Applicants have cancelled Claim 47.

Next, the Examiner has rejected Claims 30-33, 35, 38-39, 45, and 47-48 under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Pat. No. 6,030,395 to Nash et al. ("Nash et al."). The Applicants respectfully submit that the amendments to the claims overcome this rejection.

For a prior art reference to anticipate claims of a patent, it must expressly or inherently teach the entire claim. Moreover, a prior art reference must be enabling before it can anticipate. That is, it must provide a description sufficient to teach a person of ordinary skill in

the art how to make and use the apparatus or process. Additionally, to qualify as an anticipatory reference, the reference must place the claimed invention in the possession of the public.

Beckman Instruments, Inc. v. Producter AB, 892 F.2d 1547, 1550, 13 USPQ2d 1301, 1304 (Fed. Cir. 1989).

Nash et al. do not disclose the claimed elements of the invention. Most notably, Nash et al. do not disclose the claimed step of placing a stent around the exterior of a body lumen, which is claimed in independent Claim 30. This is primarily because Nash et al. do not disclose a stent *per se*, but rather an anastomosis device for "sewing a graft to the host vessel." See Nash et al., Col. 1, ln. 34. Moreover, every embodiment disclosed by Nash et al. involves inserting the device, or portions thereof, in the interior of the treated vessel or artery. See, e.g., Nash et al., Col. 16, lns. 41-45.

Such steps are in contrast to the method recited in independent Claim 30, which (1) is a method of support; (2) wherein a stent is placed around the lumen; and (3) the lumen is secured to the stent via a securing means on the inner layer of the lumen. The claimed method does not involve a step wherein the interior of the lumen is breached.

Accordingly, Nash et al. do not anticipate the claimed invention. Further, none of the prior art of record shows a stent placed around the lumen and secured by a securing means on the inner diameter of the stent to the exterior of the lumen.

Next, the Examiner has rejected Claims 34, 36 and 41-43 under 35 U.S.C. 103(a) as being allegedly unpatentable over Nash et al.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to

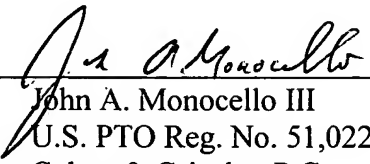
combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claimed limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure. In re Vaeck, 947 F.2d 488 (Fed. Cir. 1991). Finally, and a very important factor here, the reference or combination of references must teach or disclose all of the claimed limitations of the invention. See id.

The Examiner's rejections specifically state that Nash et al. "discloses substantially main [sic] structural limitations of the claimed invention..." of Claims 34, 36 and 41-43. See Office Action, p.3. This is not accurate in light of the newly amended claims and the arguments above. That is, Nash et al. do not teach or disclose the main limitations recited in independent Claim 30. Again, Claim 30 (1) is a method of support; (2) wherein the stent is placed around the lumen; and (3) the lumen is secured to the stent via a securing means on the interior layer of the lumen. Therefore, the rejection cannot stand and withdrawal thereof is respectfully requested.

Applicants respectfully submit that the patent application and the claims, as amended, therein are in a condition for allowance. Accordingly, reconsideration of all rejections is respectfully requested. Allowance of all claims at an early date is solicited.

Applicants would appreciate the courtesy of a telephone call should the Examiner have any questions or comments with respect to this response or the claim language for purposes of efficiently resolving same.

Respectfully submitted,

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Annotated marked-up copy of the drawings
to show changes made.

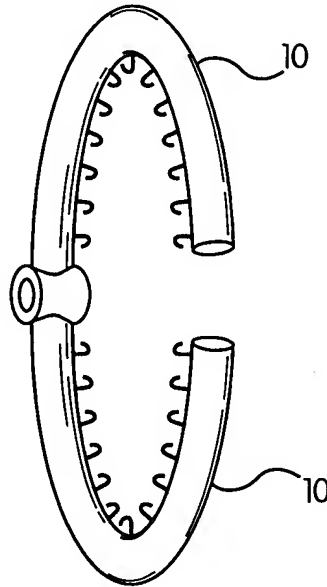


FIG. 1

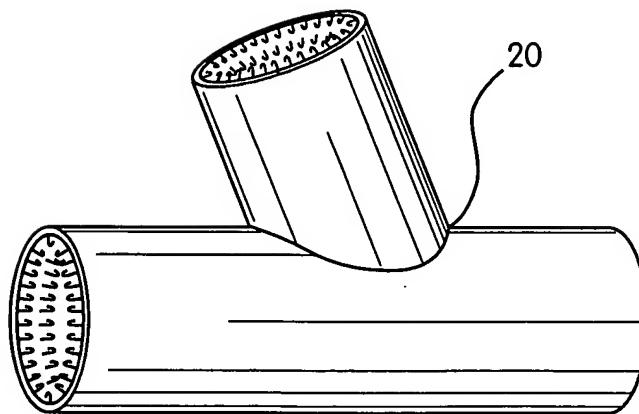


FIG. 2

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